

By Moffett, et al. H. B. No. 39.

**A BILL  
To Be Entitled**

An Act amending Section 5, of Chapter 130, Acts of the Regular Session of the Forty-third Legislature, as amended, so as to extend the time within which the contracts, bonds, notes, or other evidence of indebtedness authorized by said Chapter 130, as amended, shall not be issued or executed after the 31st day of December, 1935, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 5, of Chapter 130, Acts of the Regular Session of the Forty-third Legislature, as amended, be amended so as hereafter to be and read as follows:

"Section 5. No contract, bond or note, or other evidence of indebtedness authorized to be issued or executed under this Act, shall be issued or executed after the expiration of the 31st day of the month of December, 1935."

Sec. 2. The fact that many school districts are in need of the facilities described in said Chapter 130, as amended, and have made application to procure funds on contracts, notes, bonds, and other evidence of indebtedness, but that these negotiations in many instances cannot be completed before May 13, 1935, the limit under said Act as it is now amended for the issuance of such contracts, bonds, notes, or other evidence of indebtedness, creates an emergency and an imperative public necessity, demanding the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and said Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

**SEVENTEENTH DAY.**

(Continued.)

Senate Chamber,  
Austin, Texas,  
November 7, 1934.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Pending business was Oneal amendments to C. S. S. B. No. 4.

**Senate Bill No. 19.**

Senator Woodruff sent up the following bill:

By Senator Woodruff:

S. B. No. 19, A bill to be entitled "An Act to amend Subdivision 44 of Article 1302, Title 32 of the Revised Civil Statutes of Texas, 1925, by providing additional purposes for which corporations may be formed under the laws of the State of Texas, and further specifically providing that the drilling and operation of mineral water wells and the manufacturing of mineral crystals and other by-products of mineral water therefrom and the sale of such products of mineral water may be combined with the business of conducting a hotel, office building, opera and playhouse, department house, or steam laundry, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

**Senate Resolution No. 13.**

Senator Small sent up the following resolution:

Be it resolved by the Senate that the Secretary of the Senate be and is hereby directed to purchase a suitable floral offering to be sent to funeral of Honorable R. M. Hubbard and same to be paid for out of the contingent fund of the Senate.

SMALL.

Read and adopted.

**Action on S. R. No. 14.**

Senator Purl asked unanimous consent that the names of all the Senators be added to S. R. No. 14.

Consent was granted and the resolution was adopted by a rising vote.

**Senate Resolution No. 15.**

Senator Pace sent up the following resolution:

Whereas, Longview business men are, on the evening of November 8th, 1934, honoring Carl L. Estes, new publisher of "Longview Daily News" and "Longview Morning Journal" with a welcome banquet; and,

Whereas, Mr. Estes is an outstanding citizen of Texas and has taken an active interest in the proper development of the resources of our great State; and,

Whereas, The press of legislative business at this time prevents our

being able to attend the party at Longview. Therefore, be it

Resolved by the Senate of Texas That we sent our congratulations and best wishes to the people of Longview and to Mr. Estes in their new relationship.

PACE,  
NEAL.

Read and adopted.

#### Senate Bill No. 20.

Senator Parr sent up the following bill:

S. B. No. 20, A bill to be entitled "An Act amending Article 5921, Revised Civil Statutes of Texas, 1925, relating to removal of disabilities of minority so as to provide that such disabilities may be removed for all legal purposes at the age of eighteen; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

#### C. S. S. B. No. 4.

Senator Oneal had the floor on pending amendment to Committee Substitute for Senate Bill No. 4.

Senator Hornsby sent up the following corrective amendment:

Amend Senate Bill No. 4, line 29, page 10, by inserting after the word "used" the following: "By the Board of Regents of the University of Texas."

HORNSBY.

Read and adopted.

Senator Pace sent up the following amendment:

Amend Committee Substitute for S. B. No. 4 on page 9, line 49, by striking out "Tyler" and inserting in lieu thereof "Smith County."

PACE.

Read and adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 4, Section 4, by adding at the end of same the following: "All compensation of said Comptroller of the Texas Centennial and his assistants and expense of said office shall be paid out of the 60% fund allocated to the Central Exposition City."

PURL.

Read and adopted.

Senator Collie sent up the following amendment:

Amend the Committee Substitute

for S. B. No. 4 by striking out "Abilene" in line 46, page 9, and insert in lieu thereof "Taylor County"; by striking out the words "Stamford and Sweetwater" in line 52, page 9, and insert in lieu thereof "Jones County and Nolan County."

COLLIE.

Read and adopted.

Senator Oneal sent up the following amendments:

#### Amendment No. 1.

Amend Committee Substitute Senate Bill No. 4 by adding at the end of Section 3 and as separate paragraphs thereof the following:

Within the term "celebration" as used in this section with reference to all places herein named, except the cities of Dallas and Fort Worth, is included the following: the placing of suitable markers of places where historic events occurred; the restoring at no great expense of all or of parts of old houses, forts, and other old structures connected with the history of the territory now embraced in the State of Texas; the placing at no great expense of monuments to early patriots of Texas if such monuments have not heretofore been erected; the purchasing at no great expense of small tracts of land where necessary for the restorations herein mentioned, or for the monuments mentioned; and pageants at the places mentioned; provided that in the matter of pageants the Texas Centennial Commission may require a contribution by each local community which may be substantial and proportionate to the amount allowed by the commission.

Notwithstanding the other provisions of this Act, the commission shall not have the authority arbitrarily to refuse to allocate for the purposes of Centennial Celebration funds to any place designated in this section, but in case of refusal of such allocation to any such place must file its written report of reasons with the Advisory Board of Texas Historians provided for in Section 5 of this Act, and this report shall be a public record open for inspection.

ONEAL.

Read and adopted.

Amend pending Oneal amendment, tenth line from the top, by striking

out the words "at no great expense" found after the word "placing."

WOODUL.

Read and adopted.

#### Amendment No. 2.

Amend Committee Substitute S. B. No. 4 by adding immediately after Section 7, a section to be known as Section 8, as follows:

Sec. 8. (1) An accurate account of all monies and properties coming into the hands of the Centennial Commission from sales of concessions or otherwise shall be kept and it shall be the duty of the Comptroller General of the Texas Centennial Celebration to audit regularly monthly such accounts and to file with the Comptroller of Public Accounts of the State of Texas reports upon said audits of said funds and properties similar to those required of him in Section 4 of this Act as to the funds appropriated in this Act.

(2) An accurate account of all monies and properties, affairs and transactions of any private corporation for which the Texas Centennial Commission may procure or cause to be procured a charter, shall be kept by each of such corporations and it shall be the duty of the Comptroller General of the Texas Centennial Exposition to make a regular monthly audit of all moneys and properties, affairs and transactions of each of said private corporations and to file with the Comptroller of Public Accounts of the State of Texas reports upon such audits of said moneys and funds, affairs and transactions similar to those required of him in Section 4 of this Act as to the funds appropriated in this Act.

ONEAL.

Read and adopted.

#### Amendment No. 3.

Amend Committee Substitute S. B. No. 4, by striking out all of Section 5 thereof and inserting in lieu thereof the following:

Sec. 5. There is hereby created an Advisory Board of Texas Historians, consisting of three members, whose duty it shall be to investigate and report upon and recommend to the Texas Centennial Commission the advisability as to the various expenditures permitted under the terms of this bill insofar as 40% of the funds are allocated for historical and

cultural purposes. Duplicate copies of these reports shall be filed in the office of the Secretary of State, and shall be open during office hours of that department to public inspection. The Texas Centennial Commission shall have the right of final decision in the matter of such expenditures.

The Advisory Board here created shall consist of Dr. Eugene C. Barker, Dr. Chas. K. Hackett and L. W. Kemp. In the case of a vacancy caused by the failure to accept this appointment, or by resignation, or death, such vacancy shall be filled by appointment by the Governor of the State of Texas. This Advisory Board shall have its headquarters in Austin, Texas. The reasonably necessary expenses of the Advisory Board incurred in the performance of its duties shall be paid by the Texas Centennial Commission out of Centennial funds.

ONEAL.

Senator Neal sent up the following amendment to Oneal amendment No. 3:

Amend Oneal Amendment No. 3 by striking out in the first sentence of the first paragraph all after the word "expenditures" and insert in lieu thereof the following: "for patriotic and cultural celebrations or observances for restorations and for the placing of markers, etc., to vouch for the authenticity of the claims for Centennial recognition of the various places named herein, or that may be named hereafter; to weigh the relative merits of such claims and to decide as between them and to determine the kind and character of celebration, observance, memorial or marker at each place thus agreed upon. In all cases the Texas Centennial Commission shall have final jurisdiction in the matter of the above celebrations, etc., and as to expenditures for the same."

And by striking out the last sentence of the first paragraph of said Oneal Amendment No. 2.

NEAL.

Read and adopted.

Oneal Amendment No. 3 as amended was adopted.

Senator Sanderford sent up the following amendment:

Amend S. B. No. 4 by striking out the word "Dallas" where it appears

in the bill and inserting in lieu thereof the word "San Antonio" and vice versa.

# **SANDERFORD.**

## **Motion to Table.**

Senator Woodruff moved to table the Sanderford amendment.

The motion prevailed by viva voce vote.

Senator Purl sent up the following amendment:

Amend S. B. No. 4 by adding in Section 3 the words "Hill County and Rockwall County."

**PURL,  
MOORE.**

Read and adopted.

Senator Neal sent up the following amendment:

Amend C. S. S. B. No. 4, page 9, Section 3, line 50, by inserting after the word "Pampa" the following:

"Panola County, or Harrison, Gregg, Rusk or Shelby Counties, one or all, according to the judgment of the Historical Advisory Board created herein and the Texas Centennial Commission."

**NEAL.**

## **Motion to Table.**

Senator Purl moved to table the amendment by Senator Neal.

The motion prevailed by the following vote:

### **Yeas—15.**

Duggan.	Patton.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Woodruff.
Oneal.	Woodul.
Pace.	

### **Nays—10.**

Cousins.	Parr.
DeBerry.	Redditt.
Moore.	Regan.
Murphy.	Stone.
Neal.	Woodward.

### **Present—Not Voting.**

Beck.	Collie.
Blackert.	

### **Absent.**

Poage.

## **Absent—Excused.**

Fellbaum.

Senator DeBerry sent up the following amendment:

Amend C. S. to S. B. No. 4, Section 3, line 50, by inserting immediately after the word "commission" in the Neal amendment "Red River County, or Lamar, Franklin, Delta, or Hopkins Counties—one, all, or none—according to the judgment of the Historical Advisory Board created herein and the Texas Centennial Commission."

**DeBERRY.**

## **Motion to Table.**

Senator Purl moved to table the amendment by Senator DeBerry.

Senator Purl withdrew his motion to table the DeBerry amendment.

Senator Hopkins moved to table the amendment by Senator DeBerry.

The motion to table prevailed by the following vote:

### **Yeas—18.**

Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Regan.
Martin.	Sanderford.
Oneal.	Small.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

### **Nays—10.**

Blackert.	Moore.
Collie.	Murphy.
Cousins.	Neal.
DeBerry.	Redditt.
Duggan.	Stone.

## **Absent.**

Beck.

## **Absent—Excused.**

Fellbaum.

## **Recess.**

On motion of Senator Redditt, the Senate, at 12:10 o'clock p. m., recessed until 2:00 o'clock p. m.

## **Afternoon Session.**

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Senators Excused.**

Senator Beck was excused on account of important business, on motion of Senator Pace.

**House Bill No. 9.**

Senator Cousins asked unanimous consent to suspend the regular order of business and take up H. B. No. 9.

H. B. No. 9, A bill to be entitled "An Act for procuring Federal funds to provide work for the relief of the unemployed persons of Texas; authorizing the State Highway Commission as defined herein, to construct toll bridges and approaches thereto on State highways with funds procured from the United States Government, its agencies and instrumentalities, through loans and grants, either or both, to operate and maintain said bridges and in reference to each such bridge to issue and to deliver to the United States Government, its agencies and instrumentalities, interest-bearing securities, bearing four per cent (4%) interest, with provisions for registration as to ownership; etc., and declaring an emergency."

Senator Purl objected.

Senator Cousins moved to suspend the regular order of business and take up H. B. No. 9.

Senator Cousins withdrew his motion.

**C. S. S. B. No. 4.**

The pending amendment to C. S. S. B. No. 4 by Senator Beck, was taken up.

Amend Committee Substitute Senate Bill No. 4, by adding thereto a new section to be known as Section 5-A, which shall read as follows:

"Sec. 5-A. The State Health Officer shall have supervision of Public Health and Sanitation, and shall enforce all sanitary laws of Texas insofar as they apply to all the activities of the Texas Centennial, and all necessary expenses therefor shall be paid out of the Centennial Funds for this purpose."

BECK.

Read and adopted.

Senator DeBerry sent up the following amendment:

Amend C. S. to S. B. No. 4 by adding at the end of Section 3 the

following: Red River County, all, either, or none of the counties in the Eighth Senatorial District, according to the judgment of the Historical Advisory Board created herein and the Texas Centennial Commission.

DeBERRY.

**Point of Order.**

Senator Holbrook raised the point of order that the same counties of the Eighth Senatorial District, including Red River County, had been offered in a previous amendment and had been denied the right to be put in the bill and therefore could not be voted upon again.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator DeBerry asked unanimous consent to have Red River County alone added to the bill.

**Point of Order.**

Senator Holbrook raised the same point of order that the county had previously been considered and denied.

The Chair, Lieutenant Governor Edgar E. Witt, overruled this point of order.

Senator Holbrook objected.

Senator Duggan sent up the following amendment:

Amend Committee Substitute S. B. No. 4, Section 6, line 40, by adding the following immediately after the word "Commission"; "\$50,000 of which shall be offered as two prizes of \$25,000 each for the best, most interesting and most authentic literary works on Texas history and an historical novel most accurately portraying the life, past and present of our people. Such prizes to be awarded by the Texas Centennial Commission."

DUGGAN.

Senator Duggan withdrew his amendment.

Senator Martin sent up the following amendment:

Amend S. B. No. 4, at page 6, after line 48 on said page, by the addition of the following section:

For Hill County.

(a) For the erection of a suitable monument and the construction of an iron fence around the grave of Phillip Nolan, one of the earliest

explorers of the State, who is buried in the northwest part of Hill County, the sum of five thousand (\$5,000) dollars.

(b) For the acquisition of ground of old Fort Graham a suitable acreage connected therewith, which is one of the earliest forts ever erected in the State, being situated on the west side of Hill County, and for many years the boundary line between civilization and Indian reservations, the sum of two thousand five hundred (\$2,500) dollars.

(c) For the erection of suitable monuments and iron railings upon and around the graves of those massacred at Battle Creek by the Indians in Hill County. Those massacred being surveyors surveying that territory at the time so as to make it available for a legal division among the pioneers of the State, the sum of two thousand five hundred (\$2,500) dollars.

Reducing the amount of appropriation for all other purposes as mentioned in this bill, so as to permit the allocation of the above named items of Hill County, and provided further that the expenditure of the said sums herein appropriated shall be directed and superintended by the Centennial Committee assisted by the following named persons and citizens of Hill County, to-wit:

Mrs. J. C. Butts,

Mrs. Ella Stevens Watson, and

Mrs. S. L. Robertson,

and further provided, that should the said amount of ten thousand (\$10,000) dollars not all be consumed in carrying out the above named projects properly, then the residue of the amount, if any, may be used for other purposes as directed by the said Centennial Committee and the above named citizens of Hill County.

MARTIN.

Senator Purl objected.

Senator Martin withdrew his amendment.

Senator Moore sent up the following amendment to C. S. S. B. No. 4:

#### Amendment No. 1.

Section 8. The funds herein appropriated shall never be a charge against the general revenue of the State but shall be available as, if and when, the Legislature, by a special act, shall assess special and/or ad-

ditional taxes with which to pay the appropriation or appropriations herein authorized; but in no event shall the funds herein provided be available unless and until the City of Dallas shall have made available to the commission the amount of money proposed in that city's agreement with the Centennial Commission.

MOORE,  
REDDITT.

Read and adopted.

#### Amendment No. 2.

Amend Committee Substitute to S. B. No. 4, by adding a new section, as follows:

Section 13. Before any of the funds herein appropriated shall become available for expenditure directly by the members of the Centennial Commission, it shall be necessary for said Commission through its proper officers or committees to make a budget of such funds and submit such budget to a committee to be composed of the Governor, the Chairman of the Board of Control and the State Auditor and Efficiency Expert for approval or disapproval. Such committee composed of the Governor, Chairman of the Board of Control and State Auditor and Efficiency Expert shall have the power to veto such items in the budget as in its wisdom is deemed best for the proper and economical expenditure of the funds and shall keep a copy of the budget and minutes of its meetings in a permanent record book which shall at all times be available for inspection by any citizen of the State, such book of records and budget to be a permanent record in the office of the State Auditor and Efficiency Expert.

All funds expended under this Act shall be drawn from the Treasury of the State of Texas by warrants properly signed by the Comptroller of Public Accounts and the Treasurer of the State as the law now provides.

MOORE,  
REDDITT.

#### Motion to Adopt.

Senator Moore moved the adoption of the Moore-Redditt amendment.

#### Motion to Table.

Senator Neal moved to table the amendment.

The motion to table is lost by the following vote:

Yeas—11.

Blackert.	Pace.
Holbrook.	Sanderford.
Hopkins.	Stone.
Martin.	Woodruff.
Murphy.	Woodul.
Neal.	

Nays—15.

Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Hornsby.	Small.
Moore.	Woodward.
Oneal.	

Absent.

Patton. Regan.

Absent—Excused.

Beck. Fellbaum.

Senator Moore agreed to withdraw Amendment No. 2 temporarily.

Amendment No. 3.

Amend Committee Substitute to S. B. No. 4 as follows:

Section 9. It shall be unlawful for any member of the Centennial Commission or any member of the Centennial Commission Advisory Board to charge, receive or obtain, directly or indirectly any fee, commission, retainer, or brokerage, out of any fund or funds received by the Centennial Commission; and no member of the Centennial Commission or the Centennial Commission Advisory Board shall have any interest in any land, materials, concessions or contracts sold to or made with either the Centennial Commission or the Centennial Commission Advisory Board or any individual or committee represented by any member of said Commission or Advisory Board. Violation of this provision shall be a misdemeanor and violation thereof shall be punishable by removal from such Commission or Advisory Board and by fine of not less than one hundred (\$100.00) dollars or six months confinement in jail or by both such fine and jail sentence.

MOORE,  
REDDITT.

Amendment No. 3 was read and adopted.

Amendment No. 4.

Amend Committee Substitute to S. B. No. 4, by adding a new section, as follows:

Section 10. The Centennial Commission and the Board of Control are hereby prohibited from contracting for the purchase or acquirement by lease or otherwise of real estate unless and until the deeds, records and all other necessary legal documents incident thereto have been approved by the Attorney General of the State of Texas, as now provided by law.

MOORE,  
REDDITT.

Amendment No. 4 was read and adopted.

Amendment No. 5.

Amend Committee Substitute to S. B. No. 4, by adding a new section, as follows:

Section 11. No part of the funds herein appropriated shall be used or expended by the Centennial Commission or by any committee or member thereof, nor by any other committee, individual, community, corporation or political subdivision for the erection of permanent buildings upon any land or lands, the title to which land or lands is not vested in the State of Texas.

MOORE,  
REDDITT.

Senator Purl accepted Moore Amendment No. 5 with the understanding that he reserved the right to change it in conference.

The amendment was adopted.

Amendment No. 6.

Amend Committee Substitute to S. B. No. 4, by adding a new section, as follows:

Sec. 12. None of the funds herein provided, nor any of the funds arising from any other source or coming under the supervision of the Centennial Commission or the Board of Control for the Centennial shall be used to pay the salary of any member of the Texas Centennial Commission or any member of the Centennial Commission Advisory Board or any employee of said commission who is related by blood or marriage within the second degree to any member of the Centennial Commission Advisory Board, or the head of any department of the State

government, or to any member of the Legislature, or to any member or employee of the Board of Control, and no person so related shall be employed by the Centennial Commission or by the Board of Control under this Act.

MOORE,  
REDDITT.

Senator Collie objected.

Senator Moore moved the adoption of Amendment No. 6.

The motion was lost by viva voce vote.

#### Amendment No. 7.

Amend Committee Substitute to S. B. No. 4, by adding a new section, as follows:

Sec. —. No individual, firm, corporation, partnership or co-partnership having membership on or representation on the Centennial Commission or the Centennial Commission Advisory Board, whether directly or indirectly, shall sell directly or indirectly, any material, supplies or equipment used in the construction or equipping of any building, monument or marker, built or constructed out of the funds herein appropriated; provided further that the delivery of equipment, supplies or material shall be accompanied by affidavit properly signed and attested under oath that the consignor is in no wise related by blood or marriage to any member of the Centennial Commission or Centennial Commission Advisory Board, and that no member is directly or indirectly interested in the sale of supplies, equipment or material delivered or sold to the Centennial Commission.

MOORE,  
REDDITT.

Senator Moore withdrew Amendment No. 7.

#### Amendment No. 8.

Amend Committee Substitute to S. B. No. 4, by adding a new section, as follows:

Sec. —. In no event shall any of the funds hereinabove appropriated become available for use in the construction, erection, equipment or maintenance of buildings, monuments or markers, herein provided for unless and until all bids and contracts for supplies, equipment and material for such buildings, monuments and markers shall be adver-

tised, supervised and approved by the Board of Control as provided for in Article 665, Chapter 4, of the Laws of the State of Texas.

MOORE,  
REDDITT.

Senator Purl objected to Amendment No. 8.

Senator Moore withdrew Amendment No. 8.

#### Amendment No. 9.

Amend Committee Substitute to S. B. No. 4 as follows:

Sec. —. No part of the funds herein appropriated shall be expended for salary or expenses, directly or otherwise, for envoys outside of Continental North America.

MOORE,  
REDDITT.

Senator Redditt sent up the following substitute for Amendment No. 9:

Amend Committee Substitute to Senate Bill No. 4 by adding thereto a new section to be known as Section 6-N, as follows:

Sec. 6-N. It is further expressly provided that none of the funds herein appropriated, or funds derived from any other source, shall not be used for traveling expenses beyond the territorial limits of the United States, and can be used only for traveling expenses outside of the State of Texas only in the event approval is given therefor by the State Board of Control of the State of Texas.

REDDITT.

Senator Redditt withdrew his substitute amendment and amendment No. 9 by Moore and Redditt was taken up.

Senator Moore moved the adoption of amendment No. 9.

The motion lost by the following vote:

#### Yeas—10.

Collie.	Moore.
Cousins.	Oneal.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.

#### Nays—16.

Blackert.	Murphy.
Holbrook.	Neal.
Hopkins.	Pace.
Martin.	Parr.



Patton. Stone.  
Purl. Woodul.  
Sanderford. Woodward.  
Small. Woodruff.

Present—Not Voting.

Greer.

Absent.

Poage.

Absent—Excused.

Beck.

Fellbaum.

Amendment No. 10.

Amend Committee Substitute to S. B. No. 4, by adding a new section, as follows:

Sec. —. It shall be the duty of the Executive Committee of the Centennial Commission to keep full and correct records of all receipts from rents, concessions, contracts and all other sources of revenue and income received by the Centennial Commission and make monthly reports of same to the Comptroller of Public Accounts of the State of Texas.

It shall also be the duty of the Comptroller of the Centennial Commission to deposit monthly all receipts of whatever kind or character and from whatever source in the State Treasury in a special fund to be known as the "Special Centennial Fund" and it shall be obligatory upon the Treasury of the State of Texas to deduct monthly from such deposits twenty-five (25 %) per cent and deposit monthly such twenty-five (25 %) per cent discount in the General Revenue fund of the State of Texas until the amount so deducted from month to month from the Centennial income and deposited in the General Revenue Fund shall equal the total appropriations made by the Texas Legislature.

No part of the receipts of the Centennial Commission for any current month, except the original appropriation provided for in Section 1, of this Act, shall be expended unless and until the General Revenue Fund of the State has been reimbursed to the amount of twenty-five (25 %) per cent as provided in the above foregoing paragraph.

Insofar as this section is in conflict with Section 16, of Chapter 69, Acts of the Second Called Session, Forty-third Legislature, 1934, and

known as Senate Bill No. 22, said Section 16, of Chapter 69, is hereby specifically repealed.

MOORE,  
REDDITT.

Point of Order.

Senator Hornsby raised the point of order that Senator Moore's time had expired in the discussion of the amendment; Senator Collie cited Rule No. 15 to the Chair and asked consent before the ruling of the Chair that Senator Moore's time be extended in discussing the proposed amendment to give him time to brief the question.

There was objection.

Senator Hornsby at the request of Senator Purl withdrew his point of order.

Motion to Table.

Senator Purl moved to table the Amendment No. 10 by Moore.

The motion to table prevailed by the following vote:

Yeas—21.

Blackert.	Patton.
Collie.	Purl.
Holbrook.	Rawlings.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—4.

Cousins.	Moore.
DeBerry.	Redditt.

Absent.

Duggan.	Poage.
Greer.	

Absent—Excused.

Beck.	Fellbaum.
-------	-----------

Senator Moore sent up Amendment No. 2 which had been withdrawn temporarily:

Amendment No. 2.

Amend Committee Substitute to S. B. No. 4, by adding a new section, as follows:

Section 13. Before any of the funds herein appropriated shall be-

come available for expenditure directly by the members of the Centennial Commission, it shall be necessary for said Commission through its proper officers or committees to make a budget of such funds and submit such budget to a committee to be composed of the Governor, the Chairman of the Board of Control and the State Auditor and Efficiency Expert for approval or disapproval. Such committee composed of the Governor, Chairman of the Board of Control and State Auditor and Efficiency Expert shall have the power to make such changes in the budget as in its wisdom is deemed best for the proper and economical expenditure of the funds and shall keep a copy of the budget and minutes of its meetings in a permanent record book which shall at all times be available for inspection by any citizen of the State, such book of records and budget to be a permanent record in the office of the State Auditor and Efficiency Expert.

All funds expended under this Act shall be drawn from the Treasury of the State of Texas by warrants properly signed by the Comptroller of Public Accounts and the Treasurer of the State as the law now provides.

MOORE,  
REDDITT.

Senator Hopkins sent up the following amendments to Moore Amendment No. 2:

Amend Moore amendment by striking out the words "shall have the power to make such changes in the budget as in its wisdom as deemed best for the proper economical expenditure of the funds and"

HOPKINS.

Read and adopted.

Amend Moore amendment by striking out after the word "Expert" at the end of first paragraph the words "for approval or disapproval."

HOPKINS.

Read and adopted.

Amendment No. 2 by Moore as amended by Hopkins was adopted.

Senator Moore sent up the following amendments:

Amendment No. 11.

Amend Committee Substitute to S. B. No. 4, by adding a new section, as follows:

Section —. In the construction, erection, equipment or maintenance of buildings, monuments or markers, herein provided all bids and contracts for supplies, equipment and material for such buildings, monuments and markers shall be advertised and accepted by the Board of Control as provided for in Article 665, Chapter 4 of the laws of the State of Texas. Provided, however, that the Centennial Commission through its executive committee shall be permitted to expend up to and including \$25,000.00 for any one or more building, monument or marker or other structure without bids therefor being advertised, supervised or approved by the State Board of Control.

MOORE,  
REDDITT.

Read and adopted.

Amend C. S. S. B. No. 4, by changing the caption to conform to body of bill and amendments.

PURL.

Adopted.

Senator Purl asked unanimous consent be granted to finish the Centennial bill before taking up conference report on H. B. No. 7.

There was objection.

Conference Committee Report on  
House Bill No. 7.

Senator DeBerry asked to take up Conference Report on H. B. No. 7.

Motion to Reconsider.

Senator Regan moved to reconsider the vote by which the Senate rejected the Conference Report on H. B. No. 7 and a new conference committee be appointed.

Motion to Lay on Table.

Senator Woodul moved that this motion be laid on the table and set as special order after the disposition of the Centennial bill.

The motion to lay on the table and set for special order, lost by the following vote:

Yeas—14.

Blackert.  
Greer.  
Holbrook.  
Hopkins.  
Murphy.

Neal.  
Oneal.  
Pace.  
Poage.  
Purl.

Small.  
Woodruff.

Woodul.  
Woodward.

# Nays—14.

Collie.  
Cousins.  
DeBerry.  
Duggan.  
Hornsby.  
Martin.  
Moore.

Parr.  
Patton.  
Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Stone.

Absent—Excused.

Beck.

Fellbaum.

# Motion to order Previous Question.

Senator Collie moved the previous question be ordered on further discussion of Conference Report on H. B. No. 7.

The motion lost by the following vote:

# Yeas—14.

Collie.  
Cousins.  
DeBerry.  
Duggan.  
Hornsby.  
Martin.  
Neal.

Parr.  
Patton.  
Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Stone.

# Nays—14.

Blackert.  
Greer.  
Holbrook.  
Hopkins.  
Moore.  
Murphy.  
Oneal.

Pace.  
Poage.  
Purl.  
Small.  
Woodruff.  
Woodul.  
Woodward.

Absent—Excused.

Beck.

Fellbaum.

# Motion to Order Previous Question.

Senator Rawlings moved the previous question be ordered on further discussion of the motion to reconsider.

The motion prevailed by the following vote:

# Yeas—15.

Collie.  
Cousins.  
DeBerry.  
Duggan.  
Hornsby.  
Martin.  
Neal.  
Parr.

Patton.  
Purl.  
Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Stone.

# Nays—13.

Blackert.  
Greer.  
Holbrook.  
Hopkins.  
Moore.  
Murphy.  
Oneal.

Pace.  
Poage.  
Small.  
Woodruff.  
Woodul.  
Woodward.

Absent—Excused.

Beck.

Fellbaum.

# Point of Order.

Senator Rawlings raised a point of order that Senator Holbrook's time had expired and cited Rule No. 15 to the Chair.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

# Privileged Motion.

Senator Woodul cited Rule 90 and moved that the Senate recess until 10:00 o'clock a. m. Thursday.

Substitute motion by Senator Purl that the Senate recess until 8:00 o'clock tonight.

# Motion to Adjourn.

Senator Parr, at 5:50 p. m., moved that the Senate adjourn until 10:00 o'clock a. m. Thursday.

The motion to adjourn lost by the following vote:

# Yeas—8.

Blackert.  
Holbrook.  
Hopkins.  
Moore.

Parr.  
Small.  
Woodruff.  
Woodul.

# Nays—20.

Collie.  
Cousins.  
DeBerry.  
Duggan.  
Greer.  
Hornsby.  
Martin.  
Murphy.  
Neal.  
Oneal.

Pace.  
Patton.  
Poage.  
Purl.  
Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Stone.  
Woodward.

Absent—Excused.

Beck.

Fellbaum.

The motion to recess until 10:00 o'clock a. m. Thursday lost by the following vote:

## Yeas—13.

Blackert.	Pace.
Greer.	Poage.
Holbrook.	Small.
Hopkins.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Oneal.	

## Nays—14.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Neal.	Stone.

## Present—Not Voting.

Purl.

## Absent—Excused.

Beck. Fellbaum.

The motion to recess until 8:00 o'clock tonight lost by the following vote:

## Yeas—11.

Moore.	Regan.
Murphy.	Small.
Oneal.	Woodruff.
Pace.	Woodul.
Poage.	Woodward.
Purl.	

## Nays—17.

Blackert.	Martin.
Collie.	Neal.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Stone.
Hornsby.	

## Absent—Excused.

Beck. Fellbaum.

## Motion to Recess.

Senator Woodruff moved that the Senate recess until 9:30 a. m. Thursday.

## Point of Order.

Senator DeBerry raised the point of order that no other business could be transacted until the motion to recess was voted upon.

The Chair sustained the point of order.

The motion by Senator Woodruff lost by the following vote:

## Yeas—14.

Blackert.	Pace.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.

## Nays—14.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Neal.	Stone.

## Absent—Excused.

Beck. Fellbaum.

## Privileged Motion.

Senator Hopkins moved to call up H. C. R. No. 5, stating it was a privileged motion.

## Point of Order.

Senator DeBerry raised a point of order that the roll call had started. The Chair sustained the point of order.

The motion to reconsider by Senator Regan prevailed by the following vote:

## Yeas—14.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Neal.	Stone.

## Nays—13.

Blackert.	Pace.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Small.
Moore.	Woodruff.
Murphy.	Woodward.
Oneal.	

## Absent—Excused.

Beck.

(Pair Recorded.)

Senator Woodul (present) who would vote nay, with Senator Fellbaum (absent) who would vote yea.

**Motion to Recess.**

Senator Woodruff moved that the Senate recess until 9:45 o'clock a. m. Thursday.

The motion lost by viva voce vote.

**Motion for Previous Question.**

Senator Collie moved the previous question be ordered on the adoption of the conference report on H. B. No. 7.

The previous question was not ordered by the following vote:

**Yeas—14.**

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Neal.	Stone.

**Nays—14.**

Blackert.	Pace.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.

**Absent—Excused.**

Beck.	Fellbaum.
-------	-----------

**Motion to Set for Special Order.**

Senator Holbrook moved that the conference report on H. B. No. 7 be set for special order tomorrow at 2:00 o'clock p. m.

**Motion to Recess.**

Senator Pace moved to recess until 9:30 a. m. Thursday.

Senator Regan moved to recess until 8:15 tonight.

The motion by Senator Pace lost by the following vote:

**Yeas—13.**

Blackert.	Murphy.
Greer.	Oneal.
Holbrook.	Pace.
Moore.	Poage.

Purl.	Woodul.
Small.	Woodward.
Woodruff.	

**Nays—15.**

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Stone.
Neal.	

**Absent—Excused.**

Beck.	Fellbaum.
-------	-----------

The motion by Senator Regan lost by the following vote:

**Yeas—11.**

DeBerry.	Rawlings.
Duggan.	Regan.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Purl.	

**Nays—17.**

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
Greer.	Poage.
Holbrook.	Redditt.
Hopkins.	Woodruff.
Hornsby.	Woodul.
Martin.	Woodward.
Moore.	

**Absent—Excused.**

Beck.	Fellbaum.
-------	-----------

**Motion to Order Previous Question.**

Senator Rawlings moved the previous question on the motion to set for special order tomorrow at 2:00 p. m. and further consideration of the conference report on H. B. No. 7.

**Point of Order.**

Senator Woodward raised a point of order that this motion was out of order because it embodied two propositions.

**Division Called For.**

Senator Purl called for a division of the Rawlings motion.

The Chair held that the motion should be divided.

The motion to order the previous question on the motion to set for special order conference report on H. B. No. 7 lost by reason of a tie vote as shown by following roll call:

## Yeas—14.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Neal.	Stone.

## Nays—14.

Blackert.	Pace.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

Beck.	Fellbaum.
-------	-----------

## Motion to Lay on Table.

Senator Moore moved to postpone further consideration of this report until after the disposition of the Centennial Bill.

## Motion to Table.

Senator Collie moved to table.

The motion to table lost by the following vote:

## Yeas—14.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Neal.	Stone.

## Nays—14.

Blackert.	Pace.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

Beck.	Fellbaum.
-------	-----------

The motion by Senator Moore to postpone consideration, lost by the following vote:

## Yeas—14.

Blackert.	Pace.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.

## Nays—14.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Neal.	Stone.

## Absent—Excused.

Beck.	Fellbaum.
-------	-----------

Senator Collie moved to table the motion by Senator Holbrook to set for special order.

The motion to table prevailed by the following vote:

## Yeas—14.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Neal.	Stone.

## Nays—14.

Blackert.	Pace.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

Beck.	Fellbaum.
-------	-----------

The Chair, Lieutenant Governor Edgar E. Witt, voted "yea" to break the tie.

## Motion to Adopt Conference Report.

The conference report on H. B. No. 7 was adopted by the following vote:

## Yeas—16.

Collie.	Duggan.
Cousins.	Hornsby.
DeBerry.	Martin.

Murphy.	Rawlings.
Neal.	Redditt.
Pace.	Regan.
Parr.	Sanderford.
Patton.	Stone.

Nays—11.

Blackert.	Poage.
Greer.	Purl.
Holbrook.	Small.
Hopkins.	Woodruff.
Moore.	Woodward.
Oneal.	

Absent—Excused.

Beck.

(Pair Recorded.)

Senator Woodul (present) who would vote nay, with Senator Fellbaum (absent) who would vote yea.

**Reason for Vote.**

I voted yea on the adoption of the committee report on H. B. No. 7 in order to be in position to move to reconsider the vote. I was opposed to the passage of the bill, but if it could not have been defeated after reconsideration it should have received 21 votes in order to give it immediate effect and thus expedite the collection of delinquent taxes.

PACE.

**Motion to Reconsider.**

Senator DeBerry moved to reconsider the vote by which the conference report on H. B. No. 7 was adopted.

Senator Collie moved to table the DeBerry motion.

**Motion to Recess.**

Senator Small moved that the Senate recess until 10:00 o'clock a. m. Thursday.

The motion to recess lost by the following vote:

Yeas—14.

Blackert.	Pace.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.

Nays—14.

Collie.	DeBerry.
Cousins.	Duggan.

Hornsby.	Rawlings.
Martin.	Redditt.
Neal.	Regan.
Parr.	Sanderford.
Patton.	Stone.

Absent—Excused.

Beck. Fellbaum.

**Point of Order.**

Senator DeBerry raised the point of order that the motion to recess was not susceptible to debate.

The Chair sustained the point of order.

The motion to table the DeBerry motion to reconsider prevailed by a tie vote:

Yeas—14.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Neal.	Stone.

Nays—14.

Blackert.	Pace.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck. Fellbaum.

The Chair voted "yea" to break the tie.

**Motion to Engross C. S. S. B. No. 4.**

Senator Purl moved the engrossment of C. S. S. B. No. 4 without consideration of further amendments.

**Motion to Order Previous Question.**

Senator Woodruff moved to order the previous question on further consideration of C. S. S. B. No. 4.

**Motion to Recess.**

Senator Collie moved to recess until 10:00 o'clock a. m. Thursday.

The motion lost by viva voce vote.

The previous question was ordered on C. S. S. B. No. 4 by viva voce vote.

**Vote Recorded.**

Senator Collie asked unanimous consent to be recorded as voting "no" on previous question.

C. S. S. B. No. 4 passed to engrossment by the following vote:

**Yeas—17.**

Greer.	Patton.
Hopkins.	Poage.
Hornsby.	Purl.
Martin.	Rawlings.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodul.
Parr.	

**Nays—11.**

Blackert.	Moore.
Collie.	Redditt.
Cousins.	Regan.
DeBerry.	Woodruff.
Duggan.	Woodward.
Holbrook.	

**Absent—Excused.**

Beck.	Fellbaum.
-------	-----------

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and C. S. S. B. No. 4 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

**Nays—2.**

DeBerry.	Moore.
----------	--------

**Absent—Excused.**

Beck.	Fellbaum.
-------	-----------

Read third time and finally passed by the following vote:

**Yeas—17.**

Greer.	Patton.
Hopkins.	Poage.
Hornsby.	Purl.
Martin.	Rawlings.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodul.
Parr.	

**Nays—11.**

Blackert.	Moore.
Collie.	Redditt.
Cousins.	Regan.
DeBerry.	Woodruff.
Duggan.	Woodward.
Holbrook.	

**Absent—Excused.**

Beck.	Fellbaum.
-------	-----------

**House Bill No. 52.**

Senator Greer asked unanimous consent to call up H. B. No. 52.

H. B. No. 52, A bill to be entitled "An Act providing that the governing body of any city or town in this State, in making up the annual appropriation for the income and revenue of any waterworks system, electric light plant or system, sewer system, or other public utility system service or enterprise, now or hereafter owned and operated by any such city or town, shall first provide for maintenance and operating expenses of such system, service or enterprise, shall then provide for payment of principal and interest of any indebtedness outstanding against such system, service or enterprise, and may then make such appropriations as remaining income and revenue of such system, service or enterprise, may justify, to be appropriated among respective departments of the municipal government, or otherwise appropriated for public uses, as such governing body may deem best; etc., and declaring an emergency."

The bill was read and laid on the table subject to call.

**Senate Bill No. 19.**

Senator Woodruff called up S. B. No. 19.

S. B. No. 19, A bill to be entitled "An Act to amend Subdivision 44 of Article 1302, Title 32, of the Revised Civil Statutes of Texas, 1925,



by providing additional purposes for which corporations may be formed under the laws of the State of Texas, and further specifically providing that the drilling and operation of mineral water wells and the manufacture of mineral crystals and other by-products, etc., and declaring an emergency."

The bill was read second time and laid on the table subject to call.

#### Senate Bill No. 21.

Senator Rawlings sent up the following bill:

By Senator Rawlings:

S. B. No. 21, A bill to be entitled "An Act amending Article 2827 of the Revised Civil Statutes of 1925 by adding thereto subdivision 3 authorizing independent school districts of the class defined in this Act to issue notes in purchasing lands and erecting buildings for school purposes and to secure such notes by vendor's liens and/or deed of trust liens on the property so acquired and to make provision for the payment of such debts and interest thereon by setting aside for and appropriating to that purpose a part of the local school funds of the district for the current year and/or subsequent years, the part so set aside not to exceed in the aggregate for any one subsequent year ten (10%) per cent of the local school funds collected in that year; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

#### Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Nov. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House adopted the following resolution:

H. C. R. No. 7, Instructing the State Highway Department to erect temporary markers upon and near the State Highways designating the

historic spots and sites together with directional signs thereto.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Nov. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 73, A bill to be entitled "An Act providing for an open season for taking pelts of fur-bearing animals in Tom Green, Irion, Sterling, and Reagan Counties, shall be during the months of December, January, and February of each year, excepting muskrats, the open season for which shall be from the first day of November to first day of April, both days inclusive, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Nov. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 4, Relating to wage scale and hour policy of certain employees.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills and Resolutions Referred.

H. C. R. No. 7 referred to the Committee on State Highways and Motor Traffic.

H. C. R. No. 4 referred to the Committee on Labor.

H. B. No. 73 referred to the Committee on Game and Fish.

#### Adjournment.

On motion of Senator Poage the Senate at 8:15 p. m., adjourned until 10 o'clock a. m., Thursday.

## APPENDIX.

## Committee Reports.

Committee Room,  
Austin, Texas, Nov. 7, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 5, Resolving that the Fourth Called Session of the Forty-third Legislature adjourn sine die at 12 o'clock noon Saturday, November 10th, 1934.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, Nov. 7, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 21, A bill to be entitled "An Act amending subsections 2, and 4 of Section 1, repealing subsection 3 of Section 2, amending subsection 2 of Section 2, amending Section 3, amending Section 4, and amending Sections 8 and 9, of H. B. No. 154, Chapter 162, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 12, H. B. No. 55, Acts of the First Called Session of the Forty-third Legislature; providing a saving clause, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments and be printed.

HOPKINS, Chairman.

## Committee Amendment No. 1.

Amend H. B. No. 21 by striking out Section 6, and substituting in lieu thereof by adding at the end of Section 5 the following:

"(b) If any person affected by this Act shall fail or refuse to abide by the provisions hereof, and the rules and regulations promulgated hereunder, or violate the same, he shall forfeit to the State as a penalty, the sum of not less than Ten Dollars (\$10), nor more than Five Hundred (\$500) Dollars. Each day's violation shall constitute a separate

offense and incur another penalty, which, if not paid, shall be recovered in a suit by the Attorney General in a court of competent jurisdiction in Travis County, Texas, or any other court having jurisdiction."

"(c) It is intended by this Act to impose but a single tax, the producer and other interest holder shall only be liable for his or its proportionate part of the tax and the first purchaser purchasing said oil shall be liable for the tax on the amount of oil so purchased, and each subsequent purchaser shall be liable for the unpaid tax on any such oil so purchased by him or it. The Comptroller may adopt rules and regulations generally in the enforcement and administration of the provisions hereof."

"(d) It is hereby made the duty of the State Tax Commissioner and the State Tax Board to assist the Comptroller in every manner possible in enforcing the terms of this Act; and it is hereby further made the duty of the Comptroller to call upon the State Tax Commissioner for such additional assistance and personnel as may be necessary to adequately and properly enforce and carry out the provisions of this Act; and the personnel now employed by the State Tax Board shall be available to the Comptroller, upon his request to the State Tax Commissioner, in assisting in the enforcement of the provisions hereof. It is further provided that all traveling auditors, clerks, investigators and supervisors of State Tax Commissioner and/or State Tax Board, save and except the Secretary of the Board, the Assistants Attorney General, the Chief Auditor, Chief Delinquent and Intangible Tax Attorney, and Chief Delinquent and Intangible Tax Supervisor, now provided for under the provisions of S. B. No. 412, Chapter 192, Acts of the Regular Session of the Forty-third Legislature, and the appropriations for the payment of such specific salaries of the employees herein mentioned are hereby placed under the control of the State Comptroller of Public Accounts, and the unexpended portion of such appropriations provided for in said Act is hereby made available for the continued payment of the salaries of such auditors, clerks, supervisors and other employees, herein mentioned and referred to; and the

Comptroller shall have complete charge and control of such employees after same have been made available upon his request to the State Tax Commissioner, and he shall have the right to discharge any of said employees and to employ others in lieu thereof in the event he deems such procedure advisable.

Adopted.

Committee Amendment No. 2.

Amend the caption of H. B. No. 21 to conform to the body of the Act, and renumber the sections and subsections in conformity to amendment No. 1.

Adopted.

Committee Room,

Austin, Texas, Nov. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 41, A bill to be entitled "An Act amending S. B. No. 22, Chapter 69, page 164, Acts of the Second Called Session of the Forty-third Legislature, by providing that a new section to be added to be known as Section 10a; amending Section 14 of said S. B. No. 22; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Nov. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. C. R. No. 7, Authorizing the State Highway Department to erect temporary markers on highways giving a statement of the historical importance of spots designated.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, Nov. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred

H. B. No. 75, A bill to be entitled "An Act to amend Article 880 of the Penal Code of 1925 by providing that Brazoria County be added to the list of counties excepted from the provisions of said Article, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Nov. 6, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and Cities Corporations, to whom was referred

H. B. No. 52, A bill to be entitled "An Act providing that the governing body of any city or towns in this State, in making up the annual appropriations of the income and revenue of any waterworks system, electric light plant or system, sewer system, or other public utility system, service or enterprise, now or hereafter owned and operated by any such city or town, shall first provide for maintenance and operating expenses of such system, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MARTIN, Vice-Chairman.

Committee Room,

Austin, Texas, Nov. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 21, A bill to be entitled "An Act amending Article 2827 of the Revised Civil Statutes of 1925, by adding thereto Subdivision 3, authorizing independent school districts of the class defined in this Act to issue notes in purchasing lands and erecting buildings for school purposes and to secure such notes by vendor's liens and/or deed of trust liens on the property so acquired and to make provision for the payment of such debts and interest thereon by setting aside for and appropriating to that purpose a part of the local school funds of the district, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, Nov. 7, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 73, A bill to be entitled "An Act providing for an open season for taking pelts of fur-bearing animals in Tom Green, Irion, Sterling and Reagan Counties, shall be during the months of December, January and February of each year, excepting muskrats, the open season for which shall be from the first day of November to first day of April, both days, inclusive, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Nov. 7, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 43, A bill to be entitled "An Act making an appropriation for the enforcement of the Boxing and Wrestling Law during the fiscal year ending September 1, 1935, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, Nov. 7, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 53, A bill to be entitled "An Act making an appropriation to pay deficiency claims accruing in the State Banking Department during the fiscal year, ending August 31, 1934, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, Nov. 7, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 12, A bill to be entitled "An Act making appropriation for the manufacturing of typhus vaccines and serums by the State Health Department and paying for such extra labor as may be necessary, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, Nov. 7, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 68, A bill to be entitled "An Act appropriating the sum of thirty thousand dollars (\$30,000), or so much thereof as may be necessary, out of any moneys in the State Treasury, not otherwise appropriated to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the Fourth Called Session of the Forty-third Legislature of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, Nov. 7, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 20, A bill to be entitled "An Act amending Article 5921, Revised Civil Statutes of Texas, 1925, relating to removal of disabilities of minority so as to provide that such disabilities may be removed for all legal purposes at the age of eighteen; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Nov. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

H. B. No. 67, A bill to be entitled "An Act authorizing cities and towns having a population of not more than twenty-eight thousand (28,000) inhabitants nor less than twenty-seven thousand (27,000) inhabitants as shown by the next preceding Federal Census to build, construct, enlarge, encumber or purchase municipal boathouses, and boat piling protections and wharfs, docks, walks, ways, walls, bulkheads and fills in connection with and in aid of the use of such boathouses and boat piling protections; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MARTIN, Vice-Chairman.

Committee Room,

Austin, Texas, Nov. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 19, A bill to be entitled "An Act to amend Subdivision 44 of Article 1302, Title 32, of the Revised Civil Statutes of Texas, 1925, by providing additional purposes for which corporations may be formed under the laws of the State of Texas, and further specifically providing that the drilling and operation of mineral water wells and the manufacturing of mineral crystals and other by-products of mineral water therefrom and the sale of such products of mineral water may be combined with the business of conducting a hotel, office building, opera and playhouse, department house, or steam laundry, and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Nov. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 15, A bill to be entitled "An Act making it unlawful to take or catch in any manner from any of the public waters, rivers, creeks or lakes in Gonzales County, any bass, crappie, white perch, calico bass or bream, or to have in his possession or retain in any way any bass, crappie, white perch, calico bass or bream caught or taken from such waters during certain months; and fixing a penalty for violation of this Act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Nov. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 40, A bill to be entitled "An Act amending Chapter 28 of the Special Laws of the First Called Session of the Forty-third Legislature; providing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Nov. 5, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 18, A bill to be entitled "An Act to amend Chapter 13 of Title 49, Revised Civil Statutes of 1925, by adding thereto an additional article to be known as Article 2790d, authorizing independent school districts located partly in three or more counties of this State

to issue refunding warrants in lieu of and in extension of eligible vouchers, defining eligible vouchers which may be so refunded, authorizing the Board of Trustees of any such district to pass necessary and convenient orders to effect the surrender and cancellation of such eligible vouchers, providing that said refunding warrants may bear interest at a rate not exceeding six (6%) per cent per annum, payable semi-annually, and may be payable serially at such times and in such amounts as may be payable determined by said board, providing the maximum maturity date of such warrants, providing for the retiring of said warrants before maturity as well as at maturity, validating such original eligible vouchers, authorizing the Board to levy taxes for the purpose of retiring said refunding warrants, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

NEAL, Chairman.

By Blackert.

S. B. No. 18.

**A BILL  
To Be Entitled**

An Act to amend Chapter 13 of Title 49 Revised Civil Statutes of 1925 by adding thereto an additional Article to be known as Article 2790d, authorizing Independent School Districts located partly in three or more counties of this State to issue refunding warrants in lieu of and in extension of eligible vouchers, defining eligible vouchers which may be so refunded, authorizing the Board of Trustees of any such District to pass necessary and convenient orders to effect the surrender and cancellation of such eligible vouchers, providing that said refunding warrants may bear interest at a rate not exceeding six (6%) per cent per annum, payable semi-annually, and may be payable serially at such times and in such amounts as may be payable determined by said Board, providing the maximum maturity date of such warrants, providing for the retiring of said warrants before maturity as well as at maturity, validating such original eligible

vouchers, authorizing the Board to levy taxes for the purpose of retiring said refunding warrants, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Article. 2790c. Refunding warrants authorized and validated in Independent School Districts, located partly in three or more counties, tax levy to pay warrants.

Section 1. This Act shall be applicable to Independent School Districts situated partly in three or more counties. The Board of Trustees of any such School District shall have the power to issue refunding warrants in lieu of and in extension of eligible vouchers as defined in this Act. Only such vouchers shall be eligible for refunding as meet the following conditions: They must have been originally authorized by the Board of Trustees for salaries or for current expenses, shall have been signed by the proper officials of the District and delivered for value to the original payee, shall not have been previously paid by the District and shall have been issued prior to January 1st, 1934.

Sec. 2. The Board of Trustees of any such District shall have authority to pass all orders necessary or convenient to effect the surrender of said original vouchers for cancellation and to deliver refunding warrants in lieu thereof to the holders of said vouchers. Said refunding warrants shall bear interest at a rate not exceeding six per cent (6%) per annum, payable semi-annually, shall be payable serially at such times and in such amounts as may be determined by the Board, the maximum maturity date being not more than twenty years after the date of said refunding warrants. The Board of Trustees shall have authority to reserve the right to retire said warrants before their maturity date upon the giving of proper notice to the holders, the method of which notice shall be prescribed in the order authorizing said warrants.

Sec. 3. The actions of the Board of Trustees in authorizing, issuing and delivering said original vouchers are hereby expressly authorized and validated and such vouchers and accrued interest thereon are in all things validated, and said refunding warrants issued in lieu thereof shall

be binding and enforceable obligations of such District.

Sec. 4. It shall be the duty of the Board of Trustees of any such District issuing said refunding warrants to levy a continuing tax within the total rate theretofore voted by the District for maintenance and other purposes, sufficient to pay the principal and interest of said refunding warrants as said interest and principal matures, and to have said tax assessed and collected. It shall be the duty of the Board of Trustees to take into consideration the tax necessary for said purpose from year to year in fixing the annual tax levied for maintenance and other purposes and to include within said general tax levy an amount sufficient to pay the principal and interest of said refunding warrants. (Acts 1933, 43rd Leg., p. 519 ch. 168)

Sec. 5. The fact that many school districts in the State have been unable to pay vouchers issued for the maintenance and operations of their schools on account of the great delinquency in tax payments, and are thus seriously hampered in conducting their said schools creates an emergency and an imperative public necessity demanding that the constitutional rule requiring that bills be read on three several days be suspended and that this Act shall take effect and be enforced from and after the passage thereof, and said Rule is so suspended, and it is so enacted.

Committee Room,

Austin, Texas, Nov. 7, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 47, A bill to be entitled "An Act to amend Chapter 63, Acts of the First Called Session of the Forty-third Legislature, creating a conservation and reclamation district by the name of "Lower Neches Valley Authority," so as to better provide for securing Federal funds for such district and provide work for the relief of unemployed persons of Texas, and requiring submission by said district preliminary to issuing any obligations under said Act, of a certified copy of such obligations and of the proceedings authorizing the issuance of such obligations to the Attorney General of Texas for approval, and requiring such obliga-

tions, when so approved, to be registered by the Comptroller of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment and be printed in the Journal.

HOPKINS, Chairman.

Committee Amendment.

Amend H. B. No. 47 by inserting a new section to be known as Section 29-D to read as follows:

There is hereby appropriated and there shall be paid to said district out of the general fund not otherwise appropriated the sum of Fifteen Thousand (\$15,000.00) Dollars, which said sum shall be used for defraying the expenses of making engineering surveys, plans and specifications, for the compilation of other necessary data, for abstracts of title, and for the payment of necessary and proper expenses incidental to the application and negotiations for and securing the aid and assistance of the Federal Emergency Administration of Public Works, or other Governmental bodies of the United States, and in connection with the organization of the District. Provided, however, that none of the amount appropriated herein shall be used to pay any expenses or costs incurred prior to the effective date of this bill.

Adopted.

By Nicholson, et al. H. B. No. 47.

A BILL

To Be Entitled

An Act to amend Chapter 63, Acts of the First Called Session of the Forty-third Legislature, creating a conservation and reclamation district by the name of "Lower Neches Valley Authority," so as to better provide for securing Federal funds for such district and provide work for the relief of unemployed persons of Texas, and requiring submission by said district preliminary to issuing any obligations under said Act, of a certified copy of such obligations and of the proceedings authorizing the issuance of such obligations to the Attorney General of Texas for approval, and requiring such obligations, when so approved, to

be registered by the Comptroller of the State of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 63, Acts of the First Called Session of the Forty-third Legislature, creating the "Lower Neches Valley Authority," be and the same is hereby amended by adding thereto Section 27-a, which will read as follows:

"Section 27-a. Before any such obligations shall be issued, such district shall submit a certified copy thereof and of the proceedings for their issuance, together with any additional information which may be required, to the Attorney General of Texas for approval, and when so approved, such obligations shall be issued after registration with the Comptroller of the State of Texas."

Sec. 2. That Chapter 63, Acts of the First Called Session of the Forty-third Legislature of Texas, creating the "Lower Neches Valley Authority" be and the same is hereby amended by adding thereto Section 29-a, which shall read as follows:

"Section 29-a. That said district or the contractor who employs the labor for the construction of any improvements for said district shall be required to give preference to persons who are on relief rolls or otherwise unemployed, including those required for office or clerical work, but excepting the key workers of such district or such contractor, provided such persons on relief or unemployed are capable of efficiently rendering the proper service in the various classifications of labor under which they are employed, and in the event there are not sufficient persons

with the proper qualifications as aforesaid, then the district or the contractor shall give preference to employment of qualified workers who reside in the locality where such improvements are to be constructed; and every contract expressly entered into by the district hereunder shall impose upon the contractor the obligation to give preference in employment to such needy persons upon relief rolls or otherwise as provided herein and shall expressly impose upon such contractor the obligations provided for in this section."

Sec. 3. The necessity of procuring funds from the Federal Government to relieve the unemployed persons of Texas and the fact that the present law does not satisfactorily permit said "Lower Neches Valley Authority" to avail itself of self-liquidating loans from the Federal Public Works Administration, or other Governmental bodies, create an emergency and an imperative public necessity demanding that the Constitutional Rule requiring bills to be read on three several days be suspended and this Act shall take effect and be in force from and after the passage thereof, and said Rule is so suspended, and it is so enacted.

Engrossed Rider.

Amend H. B. No. 47, page 2, line 37, by inserting a semicolon after the word "section" and adding the following:

"Provided nothing in this section contained shall conflict with the requirements of any Federal agency providing any funds for such district."

Read and adopted.



**In Memory**  
**of**  
**Hon. R. M. Hubbard**

---

**Senate Resolution No. 14.**

Senator Holbrook sent up the following resolution:

Whereas, News has reached the Senate that Hon. R. M. Hubbard of Bowie County, died at his home in New Boston on yesterday evening, and whereas it is with great sorrow that the Senate notes the passing of this distinguished citizen, not only because of his kindly disposition and upright character but for the further reason that his career, now brought to an untimely close, was marked with a long public service.

Mr. Hubbard was born in Bowie County and spent practically all of his life in that section of the State. He received his early training in the public schools of that County, finishing his education at the University of Virginia and the University of Texas. Mr. Hubbard served as a member of the State Highway Commission of the State for seven years, having first been appointed by Governor W. P. Hobby and twice later by Governor Pat M. Neff, and it may be said without invidious comparison that to him more than any other man in that earlier time was due the credit of laying the basis for our present excellent highway system. He was always interested in public affairs and did much for the State during his active and useful years. He served as a member of the House of Representatives of this State, from Bowie County, and was especially active in all legislation pertaining to finances, highways and taxation. Lately Mr. Hubbard has been serving as a member of the State Cotton Allotment Board under direction of the Federal Government and his untiring work in behalf of the Cotton Farmers of this State probably contributed to the cause of his untimely death. In whatever he undertook in life he put every ounce of energy he had in it, always exhibiting an unselfish service to the common good.

The Senate feels that in the passing of Mr. Hubbard one of the State's most distinguished citizens has passed to his reward and that we join with his thousands of friends everywhere in extending our deepest sympathy to his bereaved wife and the other members of his family.

Therefore be it Resolved, by the Senate, that this simple memorial tribute be printed in the Journal as a mark of our affection and when the Senate adjourns for the day it do so in his honor.

Be it further Resolved, that a copy of this memorial be sent to Mrs. Hubbard and other members of the family.

BECK,  
BLACKERT,  
COLLIE,  
COUSINS,  
DeBERRY,  
DUGGAN,  
FELLBAUM,  
GREER,  
HOLBROOK,  
HOPKINS,

HORNSBY,  
MARTIN,  
MOORE,  
MURPHY,  
NEAL,  
ONEAL,  
PACE,  
PARR,  
PATTON,  
POAGE,

PURL,  
RAWLINGS,  
REDDITT,  
REGAN,  
SANDERFORD,  
SMALL,  
STONE,  
WOODRUFF,  
WOODUL,  
WOODWARD.